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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,417	11/08/2001	Steven P. Jobs	04860.P2667	3803

7590 01/28/2004  
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EXAMINER

EDWARDS, ANTHONY Q

ART UNIT PAPER NUMBER

2835

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/035,417

Applicant(s)

JOBS ET AL.

Examiner

Anthony Q. Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-200 is/are pending in the application.
- 4a) Of the above claim(s) 1-177 and 189-196 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 178-180, 184-188 and 197-200 is/are rejected.
- 7) ☒ Claim(s) 181-183 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 178-188 and 197-200 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 178-180, 184-188, and 197-200 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,834,329 to Delapp in view of U.S. Patent No. 5,947,429 to Sweere et al. Referring to claim 178, Delapp discloses a computer controlled display system comprising a display (2) having a display surface (3) and an input for receiving display data to be displayed on said display. Delapp also disclose a moveable assembly (4) coupled mechanically to said flat panel display, said moveable assembly having a cross-sectional area which is substantially less than an area of said display surface, said moveable assembly being moveable to allow said flat panel display to be selectively positioned in space relative to a user of said computer controlled display system; a base (5) coupled mechanically to said moveable assembly and to said flat panel display through said moveable assembly, said base housing computer components comprising a microprocessor, a memory, a bus, an I/O (input/output) controller, and an I/O port, wherein said microprocessor is coupled to said input of said flat panel display (see

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col. 2, lines 53-61), and a counter-balancing spring assembly (70) housed within said moveable assembly (4), said spring assembly having a proximal end (not numbered) coupled with a biscuit (16) of a display mounting assembly (79) and a distal end (not numbered) coupled with a biscuit (15) of a base rotation assembly (19). See Figs. 1, 2 and 6 and the accompany specification.

Here it is understood from the applicants' specification (pg. 94, paragraph 0347) that the biscuit is a rotation friction element, which Delapp teaches in col. 3, lines 26-26.

Delapp lacks the display (2) being a flat panel display. Sweere et al. disclose a moveable assembly (800) for flat panel display (516), see Fig. 24 and corresponding specification. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a computer control system of Delapp with the flat panel display as taught by Sweere et al., since the device of Sweere et al. would allow the computer system of Delapp to be used in environments with restricted space.

Referring to claim 179, Delapp in view of Sweere et al. disclose a computer controlled display system, further comprising a compression link (54, 65) housed within said moveable assembly (4), said compression link having a proximal end coupled with the biscuit (16) of the display mounting assembly (79) and a distal end coupled with the biscuit of the base rotation assembly (19). See Figs. 4-6 and col. 5, lines 17-29.

Referring to claim 180, Delapp in view of Sweere et al. disclose a computer controlled display system, further comprising a first canoe (22) having a proximal end (27) and a distal end (not numbered) coupled with a corresponding second canoe (23) having a proximal end (28) and distal end (not numbered). See Fig. 6 and the corresponding specification of Delapp.

Referring to claim 184, Delapp in view of Sweere et al. disclose a computer controlled display system, further comprising a data cable coupled to said input of said flat panel display at a first end of said data cable and coupled to a display controller housed within said base, said data cable being disposed within said moveable assembly. See col. 6, lines 19-20 of Delapp.

Referring to claim 185, Delapp in view of Sweere et al. disclose a computer controlled display system, wherein the base (5) is not fixedly secured to a supporting surface under the base. See Figs. 1 and 2 of Delapp.

Referring to claims 186-188, Delapp in view of Sweere et al. disclose a computer controlled display system as claimed, except for the base having a toroidal shape, a square shape, or a pyramidal shape. It is well known to change the shape or configuration of a device as a matter of choice (see MPEP 2144.04; *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966)).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to change the shape of the base of the system, disclosed in Delapp in view of Sweere et al., for marketing purposes or to fit the needs of individual users.

Referring to claims 197-199, Delapp in view of Sweere et al. inherently disclose a computer controlled display system as claimed, wherein the counter-balancing assembly inherently reduces the force required to move the panel to provide a substantially weightless feel when moved by (1) releasing a stored potential energy in the counter-balancing spring assembly to provide ease of movement of the display and (2) storing energy when the counter-balancing spring assembly is under compression to be used to assist a user to move the display.

Referring to claim 200, Delapp in view of Sweere et al. disclose a computer controlled display system as claimed. See Fig. 6 and corresponding specification of Delapp, wherein the

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spring assembly (70) is attached to band (65) having an adjuster mechanism (60) to provide control of stored potential energy.

### ***Allowable Subject Matter***

Claims 181-183 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 181, it would not have been obvious to a person of ordinary skill in the art to include a spring core having a proximal end, a distal end, a top surface, a bottom surface, and side surfaces, the spring core having a pair of channels running longitudinally along its side surfaces and having an annular flange formed at said proximal end to mate with a first end of a spring, wherein the spring core is slidably disposed within an interior of the spring. These features, in combination with the rest of the elements or steps, are not taught or suggested by the prior art references. Claims 182 and 183 depend, either directly or indirectly, from claim 181 and are therefore allowable for at least the reasons provided above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. 5,743,503 to Voeller et al. disclose a computer suspension system having a four bar linkage system and counter-balancing mechanism.

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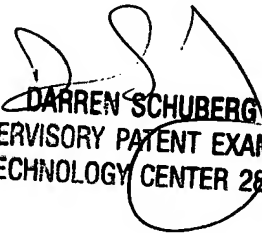
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 703-605-4214. The examiner can normally be reached on M-F (7:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (703) 308-4815. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1782.

January 26, 2004

aqe

  
DARREN SCHUBERG  
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